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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,699	10/20/2000	Kiyoshi Ueyoko	0229-0612P	7541
2292	7590	12/08/2003	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			FISCHER, JUSTIN R	
			ART UNIT	PAPER NUMBER
			1733	
DATE MAILED: 12/08/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/692,699

Applicant(s)

UEYOKO, KIYOSHI

Examiner

Justin R Fischer

Art Unit

1733

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 24 October 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1 and 7-15.

Claim(s) objected to: _____.

Claim(s) rejected: 9-13.

Claim(s) withdrawn from consideration: _____.

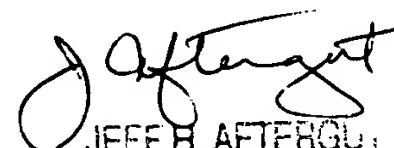
8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 2: The proposed claim requires that the first and second linear portions be "straight", while the previously drafted claims defined the respective portions as being "substantially straight". Thus, it is evident that this limitation was not previously required by the claim and as such, would require further search and/or consideration. It is further noted, regarding this limitation, that applicant has not identified that portion of the original disclosure in which support for this language is found- the original disclosure always describes the respective portions as being substantially straight. As such, this language constitutes new matter. Lastly, applicant has amended the claim to require that the first linear portion have a length between 0.10 and 0.25 times the tire section height- this range is significantly narrower than that previously required by claim 11 and as such, would require further search and/or consideration.

Continuation of 5: Applicant contends that Table 1 evidences the benefits of the inventive tire in which the distance. However, as set forth in the previous paper, these results are not persuasive in establishing a criticality for the claimed radial distance between the point Q and the carcass turnup end. In particular, the two tests in which the relevant distance is outside the claimed range have an extremely large relevant distance (4 times "gt"). The original disclosure fails to compare the inventive tire with the closest prior art tire construction (Ueyoko) in which the relevant distance is depicted as being extremely small. It is clearly evident from Figure 1 of Ueyoko that the point Q and the carcass turnup end are extremely close to one another. Therefore, the rejection set forth in the previous paper remains applicable.


Justin Fischer

December 1, 2003


JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1200